



NOTARY PUBLIC TOOLKIT



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Presentation structure

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- › Rhode Island General Law
- › Rhode Island Notary Public Standards of Conduct
- › Stamp
- › Journal
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What is a Notary Public?

An official of integrity commissioned to a four-year term by the Governor to serve the public as an impartial witness to the identity, comprehension, and intent of a person requesting a notarial act.

Each act requires the notary to attest that certain formalities have been observed. Every notarial act affects the legal rights of others. A notary may be held personally responsible for improper, negligent or fraudulent acts.

Types of Notarial Acts

- › Acknowledgements
- › Oaths & Affirmations
- › Jurats
- › Copy Certifications
- › Signature Witnessing
- › Deposition of Witnesses
- › Issuance of Subpoenas
- › Protests & Protesting Bills of Exchange and Promissory Notes

All **Notarial Acts** must include a notarial certificate.



How to become a Notary Public

- › Meet all requirements per RI General Law;
- › Complete and submit the notary public application with the corresponding fee

Requirements

- › Be at least 18 years of age;
- › Speak, read and write the English language;
- › Have sufficient knowledge of the powers & duties pertaining to the Office;
- › Be a United States Citizen or Permanent Legal Resident of the United States;
- › Be a Rhode Island resident or a non-resident who conducts business on a regular basis in Rhode Island

You must **update your commission** if you change your name and/or address.



Jurisdiction

Rhode Island notaries public may perform notarial acts **anywhere** within the boundaries of the State of Rhode Island.

Rhode Island notaries may **not** perform notarial acts outside of Rhode Island.





Notary fees/ Accepted forms of identification to verify signer identity

NOTARY FEE

- › Acknowledgments: \$1.00
- › Affidavits: \$0.25
- › Travel: \$0.10 per mile

FORMS OF IDENTIFICATION

- › Driver's License or identification card issued by the Rhode Island Division of Motor Vehicles, another state or territory of the United States, Canada or Mexico
- › Valid Passport issued by the U.S. Department of State or by a foreign government
- › Identification card issued by any branch of the U.S. armed forces



Limited powers of a Notary Public

RESTRICTIONS OF CONDUCT

- › A notary public does not have the duty or authority to investigate the lawfulness, propriety, accuracy or truthfulness of a document or transaction involving a notarial act.
- › A notary public should not influence a person either to complete or avoid a transaction involving a notarial act. A notary may advise against a transaction that they believe to be unlawful.

ADVERTISING DISCLAIMER

- › A non-attorney notary public who advertises notarial services in any language should not translate the words “notary public.” Any advertisement, notice, letterhead or sign should prominently display the disclaimer:

“I am not an attorney and have no authority to give advice on immigration or other legal matters.”
- › This disclaimer should be displayed in the same language as the advertisement, notice, letterhead or sign.

UNAUTHORIZED PRACTICE OF LAW

- › A non-attorney notary public should not assist in drafting, completing, selecting or explaining a document or transaction requiring a notarial act, render legal advice; or otherwise engage in the practice of law.
- › A notary public who is qualified, trained, or experienced in a specific industry or professional field may elect, draft, complete or provide advice regarding a document or certificate related to their industry or field.



Maintaining or updating your commission

NOTIFY US WITHIN 10 DAYS IF

- › You change your name or address;
- › Your notary stamp/seal is lost, stolen or damaged.

NOTIFY US AS SOON AS POSSIBLE IF

- › You resign your commission;
- › A notary dies during their commission.

ENDING YOUR COMMISSION

- › Destroy or deface all seals/stamps;
- › Retain your notary journal for 7 years.



Types of Notarial Acts



ACKNOWLEDGEMENT

When a signer, whose identity has been verified, declares that they have willingly signed a document.

COMMON TYPES OF ACKNOWLEDGEMENTS

- Advance Medical Directives
- Power of Attorney
- Deeds/Mortgages
- Waiver/Release of Claims

[Download the sample Acknowledgment certificate from our website.](#)



Types of Notarial Acts



JURAT

When a signer, whose identity has been verified, swears or affirms to the truthfulness of the contents of a document.

COMMON TYPES OF JURATS

- Minor Travel Consent Form
- Income Verification Letter
- Letter of Temporary Guardianship

[Download the sample Jurat certificate from our website.](#)



Types of Notarial Acts



OATH

When a signer, whose identity has been verified, verbally promises to tell the truth by taking a solemn spoken pledge to God or a Supreme Being.

COMMON TYPES OF OATHS

- RI Notary Public Application
- Affidavit
- Depositions
- Applications

[Download the sample Oath certificate from our website.](#)



Types of Notarial Acts



AFFIRMATION

When a signer, whose identity has been verified, verbally promises to tell the truth by taking a spoken pledge made on the signer's personal honor with no reference to a higher power.

COMMON TYPES OF AFFIRMATIONS

- RI Notary Public Application
- Affidavit
- Depositions
- Applications

[Download the sample Affirmation certificate from our website.](#)



Types of Notarial Acts



COPY CERTIFICATION

When a notary public determines and acknowledges that a copy of a document is accurate and complete by copying or supervising the copying of the document and compares the copy to the original.

COMMON TYPES OF COPY CERTIFICATIONS

- Passport
- Diploma
- Medical Records
- Driver's license
- Lease

[Download the sample Copy Certification certificate from our website.](#)



Types of Notarial Acts



SIGNATURE WITNESSING

When a signer, whose identity has been verified, signs a document in the presence of a notary public.

COMMON TYPES OF SIGNATURE WITNESSING

- Document Translations
- Applications
- Sports Player Assumption of Risk Form
- Authorizations

[Download the sample Signature Witnessing certificate from our website.](#)



Types of Notarial Acts



LESS COMMON NOTARIAL ACTS

Only notaries public who have the appropriate professional training should proceed with the notarial acts listed below.

DEPOSITION OF WITNESSES

A deposition is a signed transcript of an oral statement made by an individual (the “deponent”) for use in a legal matter.

Rhode Island notaries public are empowered to take depositions of witnesses to be used in the trial of any civil suit, action, petition, or proceeding in which they are not an interested party, counsel, or the attorney of either party per RIGL 9-18-1.

ISSUANCE OF SUBPOENAS

A subpoena is an order for its recipient to appear before a court.

Rhode Island notaries public are empowered to issue subpoenas to witnesses in any case, civil or criminal, before any court, and in any matter before any body or person authorized by law to summon witnesses per RIGL 9-17-3.

Per RIGL 8-8.2-4, notaries public are also empowered to issue subpoenas returnable before the traffic tribunal.

PROTESTS & PROTESTING BILLS OF EXCHANGE AND PROMISSORY NOTES

A protest is a certificate of dishonor under the hand and seal of a notary public.

Rhode Island notaries public may act, transact, do, and finish all matters and things related to protests and protesting bills of exchange and promissory notes per RIGL 42-30-8.



Acknowledgement

Signer must personally appear on the date and in the place indicated on the notarial certificate.



STEP 1

Review the document to determine the document type and the notarial act to be performed.



STEP 2

Identify the signer through personal knowledge or an accepted form of identification.



STEP 3

Verify that the signature on the document is the signer's, either by watching them sign the document, or if it has already been signed, by comparing the signature to the one on the signer's ID and the signature made by the signer in the notary's journal.



STEP 4

Have the signer verbally acknowledge that their signature was made competently and voluntarily.



STEP 5

Complete the notarial certificate. Sign the certificate, print your name, write your title "Notary Public", list your commission expiration date, and commission ID number. Complete the journal entry.



Jurat

Signer must personally appear on the date and in the place indicated on the notarial certificate.



STEP 1

Review the document to determine the document type and the notarial act to be performed.



STEP 2

Identify the signer through personal knowledge or an accepted form of identification.



STEP 3

Have the signer verbally acknowledge they are signing the document competently and voluntarily.



STEP 4

Watch the signer affix their signature or mark to the document.



STEP 5

Administer the oath or affirmation aloud (both notary and person taking the oath or affirmation).



STEP 6

Complete the notarial certificate. Sign the certificate, print your name, write your title “Notary Public”, list your commission expiration date, and commission ID number. Complete the journal entry.



Oath or Affirmation

Signer must personally appear on the date and in the place indicated on the notarial certificate.



STEP 1

Identify the person through personal knowledge or an accepted form of identification.



STEP 2

Administer the oath or affirmation by having the person raise their right hand and administer the oath or affirmation aloud (both notary and person taking the oath or affirmation).



STEP 3

Have the person sign the notarial certificate.



STEP 4

Complete the notarial certificate. Sign the certificate, print your name, write your title “Notary Public”, list your commission expiration date, and commission ID number. Complete the journal entry.



Copy Certification

Signer must personally appear on the date and in the place indicated on the notarial certificate.



STEP 1

Verify that the document is one that a Rhode Island notary may lawfully copy and certify. Public records including, vital & public records as well as publicly recordable documents may not be notarized.



STEP 2

Personally photocopy or supervise the copying of the document.



STEP 3

Compare the document to the original to determine that the copy is accurate and complete.



STEP 4

Complete the notarial certificate. Sign the certificate, print your name, write your title "Notary Public", list your commission expiration date, and commission ID number.



STEP 5

Record the details of the copy certification in your notary journal.



Signature Witnessing

Signer must personally appear on the date and in the place indicated on the notarial certificate.



STEP 1

Review the document to determine the document type and the notarial act to be performed.



STEP 2

Identify the signer through personal knowledge or an accepted form of identification.



STEP 3

Have the signer verbally acknowledge they are signing the document competently and voluntarily.



STEP 4

Watch the signer affix their signature or mark to the document



STEP 5

Complete the notarial certificate. Sign the certificate, print your name, write your title "Notary Public", list your commission expiration date, and commission ID number. Complete the journal entry.



Documents without notarial certificates

- › If your customer can tell you what type of notarial act is needed, you can affix or attach an appropriate notarial certificate to the document and complete it.
- › If your customer can't tell you what they need, you should refuse the request. A notary cannot determine what type of act is required. The customer should contact the document preparer or receiving agency to determine the type of notarial act.



Notarizing in special circumstances

Review the Rhode Island Notary Public manual for how to notarize for the following:

- | | | |
|---|--|---|
| › Signature by Mark | › Notarizing for a Person with Power of Attorney | › Notarizing a Document in a Foreign Language |
| › Signer Physically Unable to Sign or Make a Mark | › Signer Who is Deaf | › Wills and Living Wills |
| › Signer Who is Blind | › Signer Who is Illiterate | › Translations |
| › Signer Who does not Speak English | › Notarizing an Out of State Document | |



Do not notarize a document if...

- › The **signer is not in your presence**
 - › You **cannot identify the signer through accepted forms of identification** or if they are not personally known to you
 - › There is reason to believe that the **signer does not understand the consequences** of the transaction or document being notarized
 - › The signer is **not acting of their free will**
- › The document presented for copy certification **is a vital record, public record or a publicly recorded document** that is available as a certified copy from an official source other than a notary public
 - › **You are a party to or are named in the document** except for the sole purpose of receiving notices relating to the document
- › If you are named as an executor, trustee or in any fiduciary capacity unless you are an attorney licensed in RI or an employee of said attorney
 - › **You are a relative of the signer** specifically, a spouse, domestic partner, parent, guardian, child or sibling including in-law, step, or half relative



Other important considerations...

- › A notary public should **not refuse** to perform a notarial act solely based on the principal's race, advanced age, gender, sexual orientation, religion, national origin, health or disability.
- › A notary public should not influence a person either to enter into or avoid a transaction involving a notarial act by the notary, except that the notary may provide advice relating to that transaction if the notary is duly qualified, trained or experienced in a particular industry or professional field.
- › A notary public should not execute a certificate containing information known or believed by the notary to be false.
- › A notary public should not affix an official signature or seal on a notarial certificate that is incomplete.
- › A notary public should not provide or send a signed or sealed notarial certificate to another person with the understanding that it will be completed or attached to a document outside of the notary's presence.



Education



[VIDEO TUTORIALS](#)



[RI NOTARY PUBLIC MANUAL](#)



[RI GENERAL LAWS & RI
NOTARY PUBLIC STANDARDS OF
CONDUCTS](#)



Rhode Island General Law § 42-30

[§ 42-30-1 Election of justices by town council](#)

[§ 42-30-2 Governor's appointment power preserved](#)

[§ 42-30-3 Appointment of notaries and justices](#)

[§ 42-30-4 Certificate of engagement – Term of engagement](#)

[§ 42-30-5 Application of appointment](#)

[§ 42-30-6 Repealed](#)

[§ 42-30-7 Powers of notaries and justices](#)

[§ 42-30-8 Power of notaries](#)

[§ 42-30-9 List of appointees – Certificate of appointment](#)

[§ 42-30-10 Removal of notaries, justices, and commissioners](#)

[§ 42-30-11 Continuation of powers without reappointment](#)

[§ 42-30-12 Continuation of powers without new engagement](#)

[§ 42-30-13 Fees of notaries](#)

[§ 42-30-14 Public officers having notary powers](#)

[§ 42-30-15 Fees for authentication of a notary public signature](#)

[§ 42-30-16 Notary public – Fraud or deceit in office](#)



Supplies & tools



STAMP

A physical device capable of affixing an Official Stamp upon a tangible record.



JOURNAL

A permanently bound book that creates and preserves a chronological record of notarial acts performed by a notary public.



NOTARIAL CERTIFICATES

Legally required wording that is a part of or attached to the document that states the facts attested by the notary during a particular notarial act.

[Samples may be found on our website.](#)



Notaries fill an important role in society. Government, businesses and the public depend on the integrity of notaries public to authenticate signatures and properly complete many financial and legal transactions.

*Congratulations on
enhancing your
knowledge of the duties
and responsibilities
of notaries public
in Rhode Island.*